IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

Bail Appl..No. 59 of 2007()

AGAINST THE ORDER IN BA.7169/2006 Dated 07/12/2006
Crime no.445/06 of Thoppunpady Police Station
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: PETITIONER/ACCUSED

ABDUL AZEEZ, S/O.MUHAMMED,
H.NO.13/50, PAPPANAGA PARAMBU,
PANAYAPPALLY, KOCHI-2.

BY ADV. SRI.S.NIRMAL KUMAR

RESPONDENT: COMPLAINANT

S.I. OF POLICE, THOPPUMPADY,
POLICE STATION, THOPPUMPADY, KOCHI,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 59 of 2007

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Dated this the 10th day of January, 2007.

ORDER

Petitioner, who is the accused in Crime No.445 of 2006 of Thoppumpady Police Station originally registered for an offence punishable under Section 420 I.P.C. and subsequently registered also for offences punishable under Sections 342 and 376 read with Section 34 I.P.C., seeks his enlargement on bail. He was arrested on 6.11.2006 and ever since he has been in custody.

2. The case of the prosecution is that the petitioner had recruited the de facto complainant and other women for overseas employment and they were sexually exploited and ravished by persons while abroad. Even if the petitioner could be said to have facilitated, the offence of rape punishable under Section 376 I.P.C. committed abroad, that offence prima facie cannot be charged against the petitioner. At any rate, the petitioner, who has been in custody for more than 64 days does not deserve to be in custody any more.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of

the J.F.C.M.-II, Kochi and subject to the following conditions:

1. The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the Police till the filing of the final report.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

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